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2 LEONARDO M. RAPADAS
United States Attorney
3 KARON V. JOHNSON
Assistant U.S. Attorney
4 Suite 500, Sirena Plaza
108 Hernan Cortez Avenue
5 Agana, Guam 96910
Telephone: (671) 472-7332/7283
6 Telecopier: (671) 472-7334

7 Attorneys for United States of America

FILED
DISTRICT COURT OF GUAM

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AUG 29 2005 7P

MARY L.M. MORAN
CLERK OF COURT

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF GUAM**

11 UNITED STATES OF AMERICA,)
12)
Plaintiff,)
13)
vs.)
14)
RAYMOND N. ATOIGUE,)
15)
Defendant.)
16 _____

CRIMINAL CASE NO. 05-00035

**PRELIMINARY ORDER OF
FORFEITURE**

17 WHEREAS, in Count II of the Indictment in the above-entitled case, the United States
18 sought forfeiture of all monies in Bank of Guam account numbers Bank of Guam Account
19 Numbers 0201-336968, 0222-012676 and 0201-568106, the property of defendant, pursuant to
20 Title 21, United States Code, § 853 as proceeds of the unlawful drug activities charged in Count
21 I of said Indictment;

22 AND WHEREAS, on August 23, 2005, the defendant Raymond N. Atoigue, through
23 counsel entered into a Consent Decree of Forfeiture stipulation that the monies in said bank
24 accounts be voluntarily forfeited to the United States of America;

25 AND WHEREAS, by virtue of said Consent Decree for Forfeiture, the United States is
26 now entitled to possession of said property, pursuant to Title 21, United States Code, Sections
27

1 841(a)(1) and 853, and Rule 32(b)(2) of the Federal Rules of Criminal Procedure;

2 Accordingly, it is hereby **ORDERED, ADJUDGED AND DECREED:**

3 1. That based upon the Consent Decree of Forfeiture entered into by the parties, the
4 United States is hereby authorized to seize the said property, to-wit: all monies in Bank of Guam
5 Account Numbers 0201-336968, 0222-012676 and 0201-568106, and it is hereby forfeited to the
6 United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. §
7 853(n)(1);

8 2. That pursuant to 21 U.S.C. § 853(n)(1), the United States Marshal shall forthwith
9 publish at least once for three successive weeks in a newspaper of general circulation, notice of
10 this Order, notice of the Marshal's intent to dispose of the property in such manner as the
11 Attorney General may direct, and notice that any person, other than the defendant, having or
12 claiming a legal interest in any of the above-listed forfeited property must file a petition with the
13 court within thirty (30) days of the final publication of notice or of receipt of actual notice,
14 whichever is earlier.


15 This notice shall state that the petition shall be for a hearing to adjudicate the validity of
16 the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of
17 perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of
18 the forfeited properties and any additional facts supporting the petitioner's claim and the relief
19 sought.

20 The United States may also, to the extent practicable, provide direct written notice to any
21 person known to have alleged an interest in the property that is the subject of the order of
22 Forfeiture, as a substitute for published notice as to those persons so notified. This notice shall
23 state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged
24 interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set
25 forth the nature and extent of the petitioner's right, title or interest in each of the forfeited
26 properties and any additional facts supporting the petitioner's claim and the relief sought.

1 The United States may also, to the extent practicable, provide direct written notice to any
2 person known to have alleged an interest in the property that is the subject of the order of
3 Forfeiture, as a substitute for published notice as to those persons so notified.

4 3. That upon adjudication of all third-party interests, this Court will enter a Final Order
5 of Forfeiture pursuant to Title 18, United States Code, Sections 982(b)(1)(B) and Title 21, United
6 States Code, Section 853(n), in which all interests will be addressed.


7 **SO ORDERED** this 21 day of August, 2005.

8
9 
10 **S. JAMES OTERO**
11 **Designated District Judge**
12 **District of Guam**

13 Presented by:

14 **LEONARD M. RAPADAS**
15 **United States Attorney**
16 **Districts of Guam and NMI**

17 By:

18 
19 **KARON V. JOHNSON**
20 **Assistant United States Attorney**

21 **RECEIVED**
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23 **DISTRICT COURT OF GUAM**
24 **HAGATNA, GUAM**